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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,062	01/07/2004	Mamoru Osada	CANO:111	2460
37013 7590 02/08/2008 ROSSI, KIMMS & McDOWELL LLP. P.O. BOX 826 ASHBURN, VA 20146-0826				
EXAMINER				
WEST, THOMAS C				
ART UNIT		PAPER NUMBER		
3621				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/753,062

Applicant(s)

OSADA, MAMORU

Examiner

THOMAS WEST

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
Paper No(s)/Mail Date 1-7-04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the US Application filed January 7, 2004.
2. Claims 1-10 are currently pending and have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8, 9, 10 are rejected under U.S.C. 102(b) as being unpatentable over Nakamura (Nakamura), U.S. Patent Application No. 20020143568.

Claims 1, 8, 9, 10:

Nakamura, as shown, discloses the following limitations:

- a storage device that stores apparatus identification information for identifying the image forming apparatus, and a plurality of programs for realizing optional functions (see at least paragraphs 8, 11, 34)
- a program management device that holds start program identification information indicative of whether each of the plurality of programs has been set to a program to be executed at a start of

the image forming apparatus, in association with each of the plurality of programs (see at least paragraph 11)

- a license management device that permits use of the plurality of programs on a program-by-program basis (see at least paragraphs 88-91)
- a license information acquisition device that acquires license information including apparatus specifying information and program specifying information for specifying a program designated from an external device as a program to be executed at the start of the image forming apparatus (see at least paragraphs 41, 91)
- a determination device that determines, by referring to the start program identification information held by said program management device, whether the program identified by the program identification information has been set to a program to be executed at the start of the image forming apparatus, when the apparatus specifying information included in the license information acquired by said license information acquisition device and the apparatus identification information stored in said storage device match, and the program specified by the program specifying information included in the license information is identical to any of the plurality of programs (see at least paragraphs 11, 41, 91)

- a setting device that sets the program specified by the program specifying information to a program to be executed at the start of the image forming apparatus, when said determination device determines that the program specified by the program specifying information has not been set to a program to be executed at the start of the image forming apparatus (see at least paragraph 11)

Claims 2:

Nakamura, as shown, discloses the following limitations:

- an input device via which information can be inputted by operation of an operator, and an external storage device that holds the license information (see at least paragraph 54)
- license information acquisition device is responsive to input of predetermined instruction information via said input device by the operation of the operator, for reading and acquiring the license information from said external storage device (see at least paragraph 41)

Claims 3:

Nakamura, as shown, discloses the following limitations:

- a communication device that communicates with an external device having a function of inputting the license information by operation of an operator, and a function of transmitting the license information

inputted by the operation of the operator (see at least paragraphs 41, 91)

- wherein said license information acquisition device receives and acquires the license information transmitted from the external device, via said communication device (see at least paragraphs 41, 91)

Claims 4:

Nakamura, as shown, discloses the following limitations:

- a communication device that communicates with an external device capable of holding the license information, and an inquiry device that periodically inquires of the external device via said communication device whether the license information is held in the external device (see at least paragraphs 41, 91)
- license information acquisition device is responsive to a notification that the license information is held in the external device, given by the external device in response to the inquiry, for acquiring the license information from the external device via said communication device (see at least paragraphs 41, 91)

Claims 5:

Nakamura, as shown, discloses the following limitations:

- a clock device that outputs time information (see at least paragraph 57)
- license information includes an expiration date of the program specified thereby (see at least paragraph 57)
- a license information holding device that holds the license information associated with each of programs set to a program to be executed at the start of the image forming apparatus (see at least paragraphs 41, 91)
- an expiration date determining device that compares the expiration date included in the license information associated with each of the programs set to a program to be executed at the start of the image forming apparatus with the time information outputted from said clock device, to thereby determine whether the expiration date has passed (see at least paragraph 57)
- a limiting device that limits execution of each of the programs set to a program to be executed at the start of the image forming apparatus, based on a result of the determination by said expiration date determining device (see at least paragraph 57)

Claims 6:

Nakamura, as shown, discloses the following limitations:

- a totalizing device that totalizes amounts of usage of apparatus resources used by operation of the programs on a program-by-program basis (see at least paragraphs 102, 104)
- license information includes an upper limit of an amount of usage of resources usable by each program specified by the license information (see at least paragraphs 102, 104)
- a license information holding device that holds the license information associated with each of programs set to a program to be executed at the start of the image forming apparatus (see at least paragraphs 41, 91)
- a usage determining device that determines whether the amount of usage of the apparatus resources used by each of the programs set to a program to be executed at the start of the image forming apparatus has reached the upper limit thereof (see at least paragraphs 102, 104)
- a limiting device that limits execution of each of the programs set to a program to be executed at the start of the image forming apparatus, based on a result of the determination by said usage determining device (see at least paragraphs 102, 104)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under U.S.C. 103(a) as being unpatentable over Nakamura, U.S. Patent Application No. 20020143568 (Nakamura), in view of Quistgaard, U.S. Patent Application No. 20030009102 (Quistgaard).

Claims 7:

Nakamura discloses the limitations as shown above. Nakamura does not disclose encrypted information, but Quistgaard does:

- encrypted information, and said license management device comprises a decrypting device that decrypts the license information (see at least paragraph 27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nakamura to include the encrypted information of Quistgaard since this protects the secrecy and distribution of license keys.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas West whose telephone number is 571-270-1236. The examiner can normally be reached on M-R 7:30am - 5pm EST, ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas West
Patent Examiner
Art Unit 3621
February 1, 2008

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621